

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

COURT OF APPEALS NO. 11-1965  
CRIMINAL ACTION NO. 06-10004-RGS

JAMES A. BUNCHAN

v.

UNITED STATES OF AMERICA

RESPONSE TO THE ORDER OF THE COURT OF APPEALS  
OF AUGUST 31, 2011

September 6, 2011

STEARNS, D.J.

The Court of Appeals has directed this court to approve or deny a certificate of appealability of the court's final "order adverse to the petitioner" of April 8, 2011. The court is unable to locate any such order. The court rather denied petitioner Bunchan's Motion to Vacate, Set Aside, or Correct Sentence on July 25, 2011.

Under 28 U.S.C. § 2253(c)(2) & (3), a petitioner who seeks a certificate of appealability must make "a substantial showing of the denial of a constitutional right" as to each of the specific issues that he wishes to appeal. According to the court's docket, the petitioner has made no such request or showing. Absent either, it would

seem that the court's Memorandum of Decision of July 25, 2011, speaks for itself.

RESPECTFULLY SUBMITTED,

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE